

From the Desk of:
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October 1, 2012

Clerk of the Michigan Supreme Court
Sent via email: MSC_clerk@courts.mi.gov

RE: ADM File No. 2011-09.

Dear Sir:

The following are my comments pertaining to the proposed amendments being contemplated for Administrative Order No. 1989-1.

Firstly, I believe the language contained in proposed subrule 2(b)(i) &(ii) will be a great step in the right direction by requiring Court of Appeals judges to completely justify, in writing, any denials of requests for media access. My main concern is that the proposed amendments apparently would allow a single Court of Appeals judge to deny media access requests. I would like to see an amendment that requires the entire three-judge Court of Appeals' panel to be involved in any decision to deny media access requests.

In regards to proposed subrule 2(b)(iii), I would argue that undue delays will certainly be caused by requiring appeals of media access denials to first be filed with the Chief Judge of the Court of Appeals. I would propose that any appeals of media access denials by the Court of Appeals be addressed directly by the Supreme Court so that the media access requester isn't prevented from filming oral arguments because of a redundant appeal process.

Either way - if the Supreme Court desires to keep proposed subrule 2(b)(iii) as written, or not - I believe it would be prudent to add another paragraph to the proposed amendments so oral arguments are not held before an appeal of a related media access denial is decided. My proposed fourth paragraph would require expedited processing of all appeals related to media access denials or terminations. I would propose something similar to the following text:

2(b)(iv): All appeals to the Chief Judge of the Court of Appeals or the Supreme Court regarding medial access denials or terminations shall be processed and adjudicated on an expedited basis.

Thank you for your consideration,

Eric L. VanDussen

cc. Anne Boomer, Administrative Counsel, Michigan Supreme Court